

# Grant County Planning Commission

## Jan 28<sup>th</sup>, 2002

The January 2002 regular meeting of the Planning Commission was called to order by John Lawrence at 7:00 p.m.

Those in attendance: John Lawrence, Vernon Webster, Nick Kinman, Bill Marksberry, William Covington, Marvin Faulkner, Stephen Mann, Nancy Duley, Jim Weigel, Stephen Fritz, Tom Nienaber and Tony, a representative from Erpenbeck Engineers..

There was a quorum present.

### **ITEM 1: DECEMBER MEETING MINUTES**

Vernon Webster made a motion to approve the December 2001 meeting minutes, Nick Kinman seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### **ITEM 2: DECEMBER FINANCIAL REPORT**

Vernon Webster made a motion to approve the December 2001 financial statement, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

### **ITEM 3: ADMINISTRATORS REPORT**

Jonathan stated that KAPA was working with 2 proposed changes to KRS 100 that were before the House and he would keep the Commission up to date with the progress.

### **ITEM 4: ZONING SUB-COMMITTEE REPORT**

Brooke Rider, chairman of this committee, was not present.

### **ITEM 5: TELECOMMUNICATIONS SUB-COMMITTEE REPORT**

Stephen Fritz, chairman of this committee, stated that the committee had met on Jan 22 and decided that before a decision was made that Mr. Wagoner would appear before the Commission as did the other Telecommunications company. He stated that a letter had been sent to Fiscal Court inviting them to attend the meeting to hear his presentation. And when the Commission has heard from both candidates the committee will make a recommendation.

### **ITEM 6: ZONE CHANGE -MEADE - LAWRENCEVILLE RD. - A1 TO RR**

William Covington removed himself from discussion and voting.

**APPLICANT:** Paul O. & Donna Meade

**GENERAL LOCATION:** An approximate 6.0532 acre area located on the southwest side of Lawrenceville Rd., approximately 0.70 miles northwest of Lusby Mill Rd.

**REQUEST:** to change the zoning of the property from A1 - Agricultural One to RR - Rural - Residential

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mr. Meade stated that the request was to split an existing mobile home and 1.5 acres from the property and maybe sell in a couple of months.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

John Lawrence declared the public hearing closed.

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Jonathan Britt stated that his recommendation was for approval because it was consistent with the adopted Comprehensive Plan with the following conditions: 1. tract #2 not be split again 2. Encroachment permit BE obtained from the Highway Department

Marvin Faulkner asked the applicant why the plat showed 6 acres and he stated that he was dividing 1.5 acres from the property.

Mr. Meade stated that the zoning was for 2 lots, a 1.5 acre lot and a 4.8 acres lot which totals the 6 acres.

Stephen Mann asked Mr. Meade if he accepted the condition that lot #2 not be divided again.

Mr. Meade stated that he did agree to the condition.

Stephen Man made a motion to approve the request because it is consistent with the adopted Comprehensive Plan, with the condition that lot #2 not be divided again and an encroachment permit be obtained from the state highway department, Nancy Duley seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 7: ZONE CHANGE -MOHRMANN - U.S. 25- A1 TO RR**

William Covington returned to discussion.

**APPLICANT:** William Mohrmann

**GENERAL LOCATION:** An approximate 10 acre area located on the east side of U.S. Hwy. 25, approximately 1 mile north of Corinth.

**REQUEST:** to change the zoning of the property from A1 - Agricultural One to RR - Rural Residential

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Mr. Mohrmann stated that the request was for 10 acres of land zoned agricultural that was not used for agricultural purposes. He said that there was currently 1 mobile home on the property and he would like to put another mobile home on the property or build a home. He also stated that the Highway Department had issued a permit and had already installed a culvert pipe.

Mr. Nienaber asked if he was replacing the existing mobile home.

Mr. Mohrmann stated that he was not.

John Lawrence asked if anyone wished to speak for or against the request.

Mr. Hall stated that he was concerned with the request until he heard how many homes were being planned. He stated that his concern was that if this property was changed to RR and the surrounding was A1 what the tax base would be on his property.

Jonathan stated that if the Commission recommends changing the property to RR that they could limit the number of parcels. He said that the RR zone limits the number to 3 and that the number would also be limited due to the topography.

Mr. Mohrmann stated that he thought all the Hwy. would approve was 2 parcels.

Jonathan said that they did not decided to change to A2 because of the odd configuration of the land and they did not know if they could get 5 acres in both parcels.

John Lawrence stated that he believed that changing the zoning on this property would not change the tax base on Mr. Hall's property.

Mr. Hughes questioned why he was not notified.

Jonathan stated that a notice was sent to a route number in Berry, KY.

Mr. Hughes stated that Harrison County had changed their addressing and asked where he needed to change his address at.

John Lawrence stated that he needed to contact the PVA office.

John Lawrence declared the public hearing closed.

Mr. Hughes asked if the Commission would limit the number of cuts.

Jonathan stated that he was going to be limited by the Hwy. Department.

Mr. Mohrmann stated that he was comfortable with limiting the number of divisions to 2.

Mr. Nienaber stated that the Commission could put the limit as a condition on the zone change.

Jonathan stated that he recommended approval of the request because it is consistent with the Comprehensive Plan.

Jim Weigel made a motion to approve the request because it is consistent with the current Comprehensive Plan, with the condition that the property not be divided into more than 2 parcels for safety reasons due to the topography of the land, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

#### **ITEM 8: ZONE CHANGE -MHT INVESTMENTS - HARVESTERS SUBDIVISION- R3 TO R4**

**APPLICANT:** MHT Investments, Inc.

**GENERAL LOCATION:** lots 69, 71, 73, 75, 77, & 79

**REQUEST:** to change the zoning of the property from R3 - Residential Three to R4 - Residential Four

John Lawrence declared the public hearing open and asked if all fees were paid and notices given. Staff replied that fees were paid and notices given.

Logan Murphy, stated that there was one lot left which had not been developed and that was #77. He stated that the lot has been approved in the original plats and he was not sure of the reason they were requesting the zone change. He stated that the lot had been approved 4 times for the use.

Jonathan stated that the City changed the text of the R3 zone to not allow multi-family. He said that lot 77 was left undeveloped and to put multi-family on the lot they have to change the zoning to R4 which allows for multi-family.

John Lawrence asked if anyone wished to speak for or against the request. No one spoke for or against the request.

John Lawrence declared the public hearing closed.

Nick Kinman asked if the request was just for lot 77.

Jonathan stated that the request included the surrounding lots that were currently developed with multi-family buildings.

Mr. Murphy asked if the owners of the others lots knew that the zoning was being changed.

Stephen Mann questioned if MHT could change the other owners lots.

Mr. Murphy stated that MHT only owned lot #77 and he had not seen the application and thought that they were only requesting that lot 77 be changed.

Mr. Nienaber stated that the multi-family units on the lots would be considered a legal non-conforming

Mr. Murphy asked why lot #77 would not be legal if it was platted.

Mr. Nienaber stated that because there wasn't anything built on the lot. He also stated that the applicant could amend their application to requesting only lot #77.

Mr. Murphy stated that they would withdraw the other lots and only request lot #77.

Billy Marksberry asked if that would be considered spot zoning if only lot #77 was rezoned.

Mr. Nienaber stated that due to the circumstances it would not be considered spot zoning.

Nick Kinman asked if the existing multi-family units were destroyed would they be able to be built back.

Mr. Nienaber stated that they could be built back, but could not be built back larger than they previously existed.

Vernon Webster asked if they were going to sell the lot or build.

Mr. Murphy stated that they were going to sell the lot.

Jonathan Britt stated that his recommendation was for approval because the existing zoning classification was inappropriate.

Stephen Mann made a motion to approve the zone change from R3 to R4 for lot #77 with the condition that MHT agree to only Lot #77, with a written letter withdrawing the other lots listed on the application, William Covington seconded the motion. A hand vote was taken, Vernon Webster - no, Nick Kinman - yes, Bill Marksberry - yes, William Covington - yes, Marvin Faulkner - yes, Stephen Mann - yes, Nancy Duley - yes, Jim Weigel - yes, Stephen Fritz - yes. Motion passes.

#### **ITEM 9: SUNRISE COURT SITE CONSTRUCTION PLANS**

Logan Murphy stated that zoning of the property was changed last year in June and the preliminary plat was approved in September. He stated that the plat was for 18 lots off of James St. in Williamstown and it was zoned R1-b and R5 and was designed for single family homes.

John Lawrence read a letter from Erpenbeck Engineers recommending approval of the plat.

Bill Marksberry stated that there was a Sunrise St. in Williamstown.

Logan stated that they would change the name prior to final plat approval.

Stephen Mann made a motion to approve the plat with the street name change, Vernon Webster seconded the motion. A hand vote was taken, Vernon Webster: yes, Nick Kinman: yes, Bill Marksberry: yes, William Covington: yes, Marvin Faulkner: yes, Stephen Mann: yes, Nancy Duley: yes, Jim Weigel: no and Stephen Fritz: yes. Motion passes.

#### **ITEM 10: GRANT COUNTY DEPOSIT BANK - REVISED SITE PLAN**

John Lawrence read a letter from Erpenbeck Engineers recommending disapproval of the site plan.

John Lawrence read a letter from the Grant County Deposit Bank requesting that the Commission waive the required detention.

The Engineer representing Erpenbeck stated that if the system that is in place works they will need to give the calculations to the Engineers for them to review and prove that it will work.

Jonathan stated that if the plat was redrawn they should have filed the new one with the office and with Ray Erpenbeck.

Mayor Cull stated that Mr. Dills had talked to the city and their attorney about the situation and they had talked to Mr. McWay with the highway department and recommends not putting the detention in. He said that where the detention was planned that there are 2 water lines and they cannot build on the easement.

Jonathan asked if the detention was not able to be built why it was on the plat.

Mr. Dills, GC Bank, stated that when they started construction on the building the commission required that a site plan be submitted and they did so.

Jonathan asked why the detention was not put in.

Mr. Dills stated that he did not know. He also stated that they installed larger pipes than required and constructed bumps to direct the water.

Jonathan asked if the Engineer had given calculations on what was there to the Commission Engineer.

Mr. Dills stated that he had not.

Jonathan stated that he had discussed the situation with Ray and that they agreed that the detention issue not only affected this piece of property but any future development in the area. He said that in 1997-1998 the regulations changed to require larger detention and if they don't have the required detention then they are denied. He recommended to the Commission that they not approve the plat until the calculations are given to Ray and he approves them.

Jonathan asked if Mr. McWay had visited the site.

Jaimey, city of Dry Ridge, stated that he had not but they could not construct the detention near the water lines.

John Lawrence stated to Mr. Dills that he needed to get the calculations to the Engineer to see if he could approve them.

Engineer representing Erpenbeck stated that the calculations would show if there was more water leaving the site now than before the development occurred.

Mr. Dills stated to the Commission that if he brought the calculation in that they would disapprove the site anyway.

Jonathan said that he needed to bring the calculations to the Engineer and have them reviewed by Erpenbeck to be sure that the setup can handle the water.

Mr. Dills stated that the existing system works because it rained really hard and the water did not go onto the street.

Jonathan stated that Erpenbeck needed to review the calculations to ensure that it did work.

Nick Kinman asked if it works why change it.

Jonathan stated that the Commission doesn't know if it works. He said that the Commission needs to set the standards and be sure that the site is in compliance and if they waive the requirements for 1 person that they have to for the next and the next. He said that he was not for waiving any requirements so that they don't have to do what is required.

Jonathan stated that with proof that the existing set up works that Erpenbeck would say that the plan is in compliance with the subdivision regulations.

William Covington made a motion to table the plat until Erpenbeck can review the calculations, Nancy Duley seconded the motion. A hand vote was taken. Vernon Webster: no, Nick Kinman: yes, Bill Marksberry: yes, William Covington: yes, Marvin Faulkner: yes, Stephen Mann: yes, Nancy Duley: yes, Jim Weigel: yes and Stephen Fritz: yes. Motion passes.

#### **ITEM 11: MISC.**

Jonathan stated to the Commission that they may need to look into doing an impact study or area study around the proposed Williamstown Lake expansion.

Wade Gutman stated that an impact study had already been done.

Jonathan asked if the study was on land use and Wade said that it wasn't but he felt it would be at least 10 years before anything would be started due to the lack of funding.

Vernon Webster stated he was concerned with the enforcement of the cookie cutter ordinance.

Jonathan stated that the wording of the ordinance said that the building inspector would enforce and that the building inspector was going to start reviewing the plans that come into his office to ensure that the ordinance is followed.

#### **ITEM 12: ADJOURN**

Nick Kinman made a motion to adjourn, Marvin Faulkner seconded the motion. A hand vote was taken, all members in attendance voting in favor of the motion. Motion passes.

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JOHN LAWRENCE, CHAIRMAN - DATE

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NICK KINMAN, SECRETARY - DATE